REMARKS

SECTION 101 REJECTION OF CLAIM 38

Applicant acknowledges with appreciation the withdrawal of the section 101 rejection of claim 38.

SECTION 102 REJECTIONS

Applicant acknowledges with appreciation the Examiner's finding that *Sweat*[1] fails to disclose each and every limitation of the claims, and the resulting withdrawal of all rejections based on section 102.

CLAIM AMENDMENTS

Applicant amends claims 1, 30, 31, and 38. Applicant requests reconsideration and withdrawal of all section 103 rejections based on the foregoing amendments and the following remarks.

SECTION 103 REJECTION OF CLAIMS 1, 30, 31, AND 38

As a threshold matter, the Office Action appears to include a typographical error. A subheading on page 3 of the action indicates that Claims 1, 3-6, 8, 11-32, and 36-38 are rejected under 35 U.S.C. 102(e) as being anticipated by *Sweat*.[2] However, another heading on the same page, and the discussions supporting the rejections of claims 1, 30, 31, and 38 rely on the combination of *Sweat* and *Beizer*.[3] Applicant therefore assumes that the rejections were made under 35 U.S.C. 103(a).

***Sweat* fails to disclose web page that includes data representing a hierarchy**

Claim 1 recites

> "making a web page available for access by a user at a first client."

As recited in claim 1, this web page must include, as a constituent part thereof, "locally–stored date representing the hierarchy."

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[1] U.S. Patent No. 7,062,532.
[2] U.S. Patent No. 7,062,532.
[3] U.S. Patent No. 6,240,414.

Applicant fully agrees that *Sweat* discloses "making a web page available for access by a user" of the PROJECTPOINT software, and that a typical web page, which is shown in *Sweat* FIG. 5, displays a hierarchy of folders. It is therefore evident that somewhere, there must exist data defining a hierarchy of folders.

Where Applicant and the Office differ is where exactly this "somewhere" is. The Office's position is that the hierarchical data is somehow part of the web page in FIG. 5. The Office appears to assume that just because a hierarchy of folders is displayed on a web page, it is somehow inherent that the data that defines that hierarchy must actually be part of the web page.

Sweat makes no express disclosure of where the data that defines the hierarchy of folders in FIG. 5 is actually stored. It is possible that this data is actually a constituent component of the web page. But it is also possible, and more likely, that the data is stored somewhere else, such as on a server **106**.

In the present case, the Office has not actually shown that the data representing the hierarchy of folders in FIG. 5 is actually a constituent part of the web page.

Moreover, one of ordinary skill in the art would assume that the location of the hierarchical data used in FIG. 5 is at the server, and not in the web page itself. The reasoning that would have led one of ordinary skill in the art to this inference is as follows:

One of ordinary skill in the art would have understood that the purpose of the *Sweat* device was to allow designers working at various locations to collaborate with other. It would have been apparent to one of ordinary skill in the art that such collaboration would require designers to identify particular drawings, and that this would be made easier if all designers worked within a common hierarchy of folders for storing drawings.

One of ordinary skill in the art would have understood the Office's assumption, which is that each designer has his own local hierarchy, which he can change independently of all other designers, as undermining the ability of *Sweat*'s system to achieve its intended purpose.

Specifically, one of ordinary skill in the art would have realized that if each designer had his own local hierarchy, the designers would soon find it difficult to be sure that the drawings they are working on are the correct drawings. Thus, one of ordinary skill in the art would have regarded the Office's assumption concerning the operation of the PROJECTPOINT software to be unlikely because it would actually undermine the operation of that software by making it more difficult for designers to collaborate on projects.

It is apparent therefore that *Sweat* lacks any express teaching of where the data defining the hierarchy of folders in FIG. 5 is stored. It is also apparent that such data could be stored in any number of places. Thus, there is no basis for assuming that the data must inherently be a constituent part of the web page of FIG. 5.

A proper section 103 rejection requires that the combination of references disclose each and every claim limitation. In the present case, *Sweat* fails to disclose "making a web page available for access by a user at a first client" with that web page also including "locally-stored data representing the hierarchy." *Beizer* fails to remedy this deficiency in the teaching of *Sweat*. The combination of *Beizer* and *Sweat* therefore fails to disclose this limitation. Accordingly, the section 103 rejection based on *Sweat* and *Beizer* is improper.

***Sweat* fails to disclose a web page that includes "rules defining those modifications... that any user is permitted to make"**

Claim 1 also requires that the web page that is made available to users include, as a constituent part thereof, "rules defining those modifications to a structure of the locally-stored data representing the hierarchy that any user is permitted to make to the data."

Sweat shows web pages with information about file protection. However, *Sweat* is silent on exactly where this information is kept. Nor is it necessarily the case, based on *Sweat*'s disclosure, that such information is necessarily stored as a constituent part of a web page.

Accordingly, *Sweat* fails to disclose the foregoing limitations for at least the reasons described above in connection with the hierarchical data.

Sweat fails to disclose "detecting, at a server, in real-time, a modification to locally-stored data occurring at a second client

Claim 1, as amended, includes the steps of

> "detecting at a server, in real-time, a modification to locally-stored data occurring at a second client; [and]
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> sending a call from the first client to the server to enforce rules involving multiple users based on detecting the modification to locally-stored data that occurred at the second client, the call being sent before the modified data has been saved to the server[.]"

Sweat fails to disclose a detection step as recited above in which the detection takes place "at a server".

Beizer also fails to disclose "detecting, at a server, in real-time, a modification to locally-stored data occurring at a second client

The Examiner asserts that

> *Beizer* et al in an analogous art teaches a method and system for automatically identifying and resolving data conflicts in a shared environment (see abstract) and discloses detecting in real-time a modification to locally-stored data occurring at a second client, (see column 6, lines 18-24) sending a call to a server based on detecting the modification to locally stored data occurring at the second client to enforce rules involving multiple users when modified data has not yet been saved to the server (not yet saved to the master copy) (see column 6, lines 30-35). [4]

Beizer does not, however, disclose a detecting step as recited in claim 1. Rather *Beizer* describes a process for editing files and folders in which

> a local copy **54** is transferred from the shared storage **50** to a local storage area **56** where it is readily accessible and may be modified by the user. Often, the original local copy of the WorkFolder **54** is preserved when the WorkFolder is edited and a separate local edit copy **58** is created. When the local edited WorkFolder **58** is saved, it can be compared to the local original copy **54** to determine what changes were made by the user and also compared to the master copy **52**, which may itself have been changed by a second user in the interim.[5]

This is consistent with the text cited by the Examiner in which

> As an example, users 1 and 2 simultaneously open the same WorkFolder. User 1 attaches a document to the WorkFolder and changes a status data field to "completed." User 2 simultaneously opens another document in the WorkFolder and, based on its contents, enters the value of several other WorkFolder fields, i.e., current disbursements and income. Because neither user changed the same objects in the WorkFolder, the changes do not conflict with each other. Therefore, the changed and added data can be merged into the master WorkFolder. If both users change the same data field, i.e., user 1 changes the status field to "complete" while user 2 changes it to "on hold", and then both try to save the updated workfolder to the

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[4] Office action mailed June 24, 2008, pages 4-5.

[5] See e.g., *Beizer* col. 5, line 46 – col. 6, line 3.

> network storage area, the reconciliation logic detects the conflict and invokes an attended conflict resolution routine wherein one or both of the user's are prompted with a list of the conflicting changes and then asked to resolve, for each detected conflict, which of the conflicting values should persist in the master copy **52**.[6]

It is apparent from the foregoing passage that conflict checking does not actually occur until and unless a user attempts to save his edits.[7] Therefore, "detecting…a modification to locally-stored data" can only occur once the user saves his edits. This can occur long after the edits were actually made. Such a detection step, which can come hours after an edit has been made, cannot reasonably be regarded as detection "in real time." Consequently, *Beizer* does not disclose "detecting at a server, *in real-time*, a modification to locally-stored data occurring at a second client[.]"

Neither *Sweat* nor *Beizer*, alone or in combination, disclose or suggest all of the features of independent claim 1. Accordingly, a *prima facie* case of obviousness of claim 1 or of any of the associated dependent claims has not been established. Therefore, claim 1 is patentable over *Sweat* and *Beizer*, alone or in combination.

Proposed modification of *Sweat* changes its principle of operation

According to MPEP 2143.01(VI)

> "If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references

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[6] See e.g., *Beizer* col. 6, lines 17-34.

[7] See also, e.g., *Beizer*, col. 6 line 64 – col. 7, line 22 ("According to the attended mediation scheme of the present invention, the last party to save their WorkFolder will be notified of the conflict when the WorkFolder is saved and presented with conflict resolving information, including for example, the two conflicting values of field B and the name of the other party to the conflict. In this situation, if user 2 was last to save, a notification would be provided that the changes to field B conflicted with data entered by User 1. User 2 would then be asked to choose between the conflicting data values. It is understood that User 1, as well as third party users, may also be notified of the conflict and permitted to participate in the conflict mediation process. In addition, priority may be assigned to users, so that, for example, User 2 may be able to override a change made by user 2, but not by user 1. To facilitate this exchange, a log of changes to a WorkFolder, including the changed element and the name of the user who made the change, may be generated. Preferably, this log is stored in a history "meta-element" associated with the specific WorkFolder. Other log elements, such as the time a change was made, the previous value of the field, etc., may also be recorded. FIG. 3c illustrates the state of the Master work folder 52, and the local and edited copies 54, 58 of user 1, both before and after the reconciliation described above when the user 2 changes were saved first. Note that the local copy 54 of the updated WorkFolder for user 1 has not been refreshed to reflect the changes from user 2." – emphasis added).

> are not sufficient to render the claims prima facie obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)."

Sweat discloses a system that relies on locking and unlocking files to control modification of files by multiple users.

Beizer's objective was to allow "multiple users to simultaneously access and edit the same shared data object *without* requiring an object accessed by one user to be locked relative to later users."[8]

Both *Sweat* and *Beizer* are directed to solving the same technical problem, namely allowing multiple users to edit the same data. However, one of ordinary skill in the art would have seen that the two achieve this objective in different and fundamentally incompatible ways.

The Examiner notes that *Sweat* "is silent about identifying conflict."[9] But this is because when locks are used, only one person at a time can edit a file. Accordingly, no conflict can occur. One of ordinary skill in the art would have understood that *Sweat* "is silent about identifying conflict" for the simple reason that locks prevent conflicts.

In contrast, *Beizer* specifically eschews the use of locks. As a result, multiple users can edit the same data at the same time. This procedure, which is fundamentally different from *Sweat*'s, practically invites conflict. It would therefore have come as no surprise to one of ordinary skill in the art that *Beizer* discusses conflict resolution at great length.

One of ordinary skill in the art would therefore have regarded the proposed modification of *Sweat* to include *Beizer*'s conflict resolution techniques as making no technical sense. One of ordinary skill in the art would have recognized that *Sweat*'s use of locks effectively prevents the conflicts that would arise in *Beizer*'s lock-less system.

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[8] *Beizer*, col. 2, lines 54-57.

[9] *Office Action*, page 4, line 22.

Accordingly, Applicant submits that the proposed motivation to combine the references is flawed, and that the section 103 rejection is therefore improper.

Claims 30, 31, and 38 include features similar to claim 1 and are patentable for at least the same reasons. Claims 3-6, 8, 11-29, 32, 36, and 37 depend from either claim 1 or claim 31 and are patentable for at least the same reasons. Accordingly, the 103 rejection based on *Sweat* in combination with *Beizer* is improper and should be withdrawn.

For at least the foregoing reasons, the applicants respectfully submit that the application is in condition for allowance.

SECTION 103 REJECTION OF CLAIM 8

In rejecting claim 8, the Office draws attention to *Sweat*'s "activity log," an example of which is shown in FIG. 10. As best understood, the Office regards the "activity log" as corresponding to claim 8's "audit report."

Claim 8 requires that the "audit report" include "information corresponding to the real-time modification" of "locally-stored data occurring at" the client. The information maintained in *Sweat*'s activity log does not include anything connected to modification of locally-stored data.

SECTION 103 REJECTION OF CLAIM 12

Applicant amends claim 12 to more clearly define what is meant by "master rule enforcement" as that term is used in the specification.

Master rule enforcement presupposes the existence of master hierarchical reference data and locally-stored hierarchical reference data. This distinction is shown in FIG. 1 of the application, which shows master hierarchical reference data **160** at the server **115** and locally stored hierarchical reference data **145** at the client **110**.

The cited art, *Beizer*, describes users modifying their own local copy of a workfolder. There is no discussion in *Beizer* of master rule enforcement that is separate from local rule enforcement.

Summary

Any circumstance in which the applicants have (a) addressed certain comments of the examiner does not mean that the applicants concede other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicants concede any of the examiner's positions with respect to that claim or other claims.

Applicant encloses a petition for extension of time and authorization to charge the $1,110.00 extension fee to our deposit account. No other fees are believed to be due in connection with the filing of this response. However, to the extent additional fees are due, or if a refund is forthcoming, please adjust our deposit account 06-1050, referencing attorney docket number 08575-0094001.

Respectfully submitted,

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